

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

ERIKA LEIFER, SAUL JACOBS, HELENE WENZEL, WILLIAM WILDHACK, JR., SAMUEL KIER, PAMELA KIER, ALLAN RODBERG, RICHARD LITTLE, SHARON ROBERTSON, MARSHA MERRILL, LARRY HUBER, MARIANNE BROWN, LOWELL RAUCH, KATHY RAUCH, SHIRLEY NOCHOMOVITZ, JEROME SKOCHIN, SUSAN SKOCHIN, DONALD HALCOM and JUDITH HALCOM, individually, and on behalf of all others similarly situated,

*Plaintiffs,*

v.

GENWORTH FINANCIAL, INC., GENWORTH LIFE INSURANCE COMPANY, GENWORTH LIFE INSURANCE COMPANY OF NEW YORK, MICHAEL D. FRAZIER, THOMAS J. MCINERNEY, PATRICK B. KELLEHER, and MARTIN P. KLEIN,

*Defendants.*

Case No. 3:16-cv-1008-JAG

**ORAL ARGUMENT REQUESTED**

**MOTION TO DISMISS THE AMENDED COMPLAINT**

Defendants Genworth Financial, Inc., Genworth Life Insurance Company, Genworth Life Insurance Company of New York, Michael D. Frazier, Thomas J. McInerney, Patrick B. Kelleher, and Martin P. Klein, by counsel, and pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), respectfully move to dismiss the Amended Complaint in its entirety for lack of subject matter jurisdiction (due to a lack of standing) and for failure to state a claim upon which relief can be granted.

The reasons in support of this Motion to Dismiss are set forth in the accompanying Memorandum of Law in Support of Motion to Dismiss the Amended Complaint, the

accompanying Declarations of Gary Meyerhoff and Michael M. Lanterman with attached exhibits, and the pleadings and papers on file with this Court in the above-captioned matter.

**Defendants respectfully request a hearing on their Motion to Dismiss.**

Dated: May 22, 2017

Respectfully submitted,

/s/ Brian E. Pumphrey

Brian E. Pumphrey (VSB. No. 47312)

Steven G. Popps (VSB No. 80817)

McGuireWoods LLP

Gateway Plaza

800 East Canal Street

Richmond, Virginia 23219-3916

Tele: (804) 775-7745

Fax: (804) 698-2018

[bpumphrey@mcguirewoods.com](mailto:bpumphrey@mcguirewoods.com)

[spopps@mcguirewoods.com](mailto:spopps@mcguirewoods.com)

/s/ Reid L. Ashinoff

Reid L. Ashinoff (admitted pro hac vice)

Gary Meyerhoff (admitted pro hac vice)

Dentons US LLP

1221 Avenue of the Americas

New York, New York 10020

Tele: (212) 768-6730

Fax: (212) 768-6800

[reid.ashinoff@dentons.com](mailto:reid.ashinoff@dentons.com)

[gary.meyerhoff@dentons.com](mailto:gary.meyerhoff@dentons.com)

*Counsel for Defendants*

**CERTIFICATE OF SERVICE**

I certify that on this 22nd day of May, 2017, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which will send a Notice of Electronic Filing (NEF) to all counsel of record.

/s/ Brian E. Pumphrey  
Brian E. Pumphrey (VSB. No. 47312)  
Steven G. Popps (VSB No. 80817)  
McGuireWoods LLP  
Gateway Plaza  
800 East Canal Street  
Richmond, Virginia 23219-3916  
Tele: (804) 775-7745  
Fax: (804) 698-2018  
[bpumphrey@mcguirewoods.com](mailto:bpumphrey@mcguirewoods.com)  
[spopps@mcguirewoods.com](mailto:spopps@mcguirewoods.com)

/s/ Reid L. Ashinoff  
Reid L. Ashinoff (admitted pro hac vice)  
Gary Meyerhoff (admitted pro hac vice)  
Dentons US LLP  
1221 Avenue of the Americas  
New York, New York 10020  
Tele: (212) 768-6730  
Fax: (212) 768-6800  
[reid.ashinoff@dentons.com](mailto:reid.ashinoff@dentons.com)  
[gary.meyerhoff@dentons.com](mailto:gary.meyerhoff@dentons.com)

*Counsel for Defendants*